

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**In re:** :  
:  
**David Candelaria, Jr** : **Case No.: 16-14691**  
:  
**Debtor(s).** : **Chapter 13**  
: **Judge Arthur I. Harris**  
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\*:\*\*\*\*\*:  
:  
:

**OBJECTION TO CONFIRMATION OF PLAN (DOCKET NUMBER 7)**

Now comes Federal National Mortgage Association ("Fannie Mae") a corporation organized and existing under the laws of the United States of America ("Creditor"), by and through its mortgage servicing agent Seterus, Inc., fka IBM Lender Business Process Services, Inc., by and through its attorneys, Manley Deas Kochalski LLC, and objects to confirmation of the Chapter 13 plan of David Candelaria, Jr ("Debtor"). For the reasons which follow, confirmation should be denied.

**MEMORANDUM IN SUPPORT OF OBJECTION**

Creditor is listed in Paragraph 3(B) of the Debtor's Chapter 13 Plan, which is the paragraph where crammed down liens and judgment liens are to be listed. Section §1322(b)(2) of the Bankruptcy Code prohibits a debtor from modifying the rights of holders of secured claims secured only by a security interest in real property that is the debtor's principal residence. Creditor is a creditor herein secured by a first mortgage lien upon the Debtor's principal residence located at 3165 West 11th Street, Cleveland, Ohio, 44109, and as such objects to the proposed treatment of its lien.

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Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v. American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

/s/ Daniel C. Wolters  
Daniel C. Wolters (0076521)  
Edward H. Cahill (0088985)  
Adam B. Hall (0088234)  
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Attorneys for Creditor  
The case attorney for this file is Daniel C. Wolters.  
Contact email is dcwolters@manleydeas.com

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**CERTIFICATE OF SERVICE**

This is to certify that on September 26, 2016, a true and accurate copy of the foregoing Objection to Confirmation was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Office of U.S. Trustee, Northern District of Ohio, Party of Interest, (Registered address)@usdoj.gov

Craig H. Shopneck, Chapter 13 Trustee, ch13shopneck@ch13cleve.com

Jonathan I. Krainess, Attorney for David Candelaria, Jr, jkrainess@sbcglobal.net

and on the below listed parties by regular U.S. mail, postage prepaid:

David Candelaria, Jr, 3165 West 111th Street, Cleveland, OH 44109

David Candelaria, Jr, 3165 West 11th Street, Cleveland, OH 44109

/s/ Daniel C. Wolters

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